

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

KATHY L. DUTCHER,

Plaintiff,

v.

3:09-CV-1161 (LEK/VEB)

MICHAEL J. ASTRUE,  
*Commissioner of Social Security*

Defendant.

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**ORDER**

This matter comes before the Court following a Report-Recommendation filed on March 7, 2011, by the Honorable Victor E. Bianchini, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 15).

Within fourteen days after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Magistrate Judge Bianchini's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

**ORDERED**, that the Report-Recommendation (Dkt. No. 15) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

**ORDERED**, that Defendant's Motion for judgment on the pleadings (Dkt. No. 13) is **GRANTED** and Plaintiff's Motion for judgment on the pleadings (Dkt. No. 12) is **DENIED**; and it

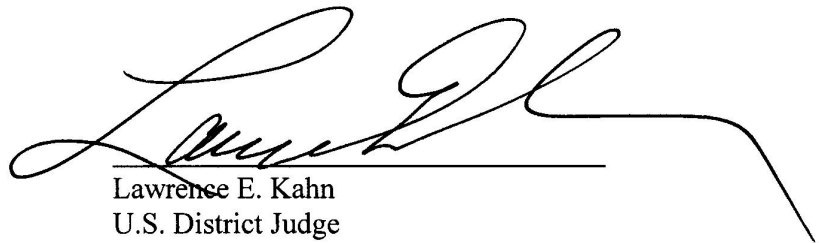
is further

**ORDERED**, that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED**; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: March 22, 2011  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge